In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R. No. 2300 of 2007 (O&M).
Decided on May 04,2007.

Smt. Kamla Devi --Petitioner

vs.

State of Punjab and another -- Respondents

Present: Mr. Ravinder Rana, Advocate, for the petitioner

Pritam Pal,J: (Oral)

CM No.9068-CII of 2007

C.M. is allowed for the reasons mentioned in the application and main Civil Revision is ordered to be restored on its original number.

C.R.No.2300 of 2007

This is a Civil Revision by Smt. Kamla Devi-defendant/petitioner, for setting aside the order dated November 03,2006, whereby an application for restoration of the suit was dismissed.

The petitioner, who is stated to be working in the department of the respondent No.2, had filed a suit for declaration, which was dismissed in default on July 23,2002. Thereafter, she moved an application for restoration of the suit on August 17,2003 i.e. after about 14 months.That application too, was dismissed in default on July 21, 2005.

Thereafter, another application dated July 23,2005, was moved for restoration of the application, which was also dismissed vide the impugned order.

It is stated by counsel for the petitioner that earlier, the counsel of the petitioner was Mr. Atul Sethi,Advocate, who later on joined the government service. Thereafter, he (Mr.Ravinder Rana) has been engaged in this case. He has also filed his own affidavit before the trial Court,wherein he has stated that due to his family problem, he could not appear on July 21,2005.

Taking into consideration the aforesaid facts and circumstances of this case, no notice is required to be issued to the respondent and as such this Civil Revision is allowed subject to cost of Rs.1000/- and the impugned order dated November 03,2006 is set aside, with a direction that the trial Court shall decide the application dated July 21,2005, on merits in accordance with law.

May 04,2007 (Pritam Pal)
RR Judge